

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADRIAN SCHOOLCRAFT,

Plaintiff,

-against-

**SUPPLEMENTAL
DECLARATION OF RYAN
G. SHAFFER**

10-CV-6005 (RWS)

THE CITY OF NEW YORK, DEPUTY CHIEF MICHAEL MARINO, Tax Id. 873220, Individually and in his Official Capacity, ASSISTANT CHIEF PATROL BOROUGH BROOKLYN NORTH GERALD NELSON, Tax Id. 912370, Individually and in his Official Capacity, DEPUTY INSPECTOR STEVEN MAURIELLO, Tax Id. 895117, Individually and in his Official Capacity, CAPTAIN THEODORE LAUTERBORN, Tax Id. 897840, Individually and in his Official Capacity, LIEUTENANT JOSEPH GOUGH, Tax Id. 919124, Individually and in his Official Capacity, SGT. FREDERICK SAWYER, Shield No. 2576, Individually and in his Official Capacity, SERGEANT KURT DUNCAN, Shield No. 2483, Individually and in his Official Capacity, LIEUTENANT CHRISTOPHER BROSCART, Tax Id. 915354, Individually and in his Official Capacity, LT. TIMOTHY CAUGHEY, Tax Id. No. 885374, Individually and in his Official Capacity, SERGEANT SHANTEL JAMES, Shield No. 3004, Individually and in her Official Capacity, SERGEANT RICHARD WALL, Shield No. 3099, Individually and in his Official Capacity, SERGEANT ROBERT W. O'HARE, Tax Id. 916960, Individually and in his Official Capacity, SERGEANT SONDRAL WILSON, Shield No. 5172, Individually and in her Official Capacity, LIEUTENANT THOMAS HANLEY, Tax Id. 879761, Individually and in his Official Capacity, CAPTAIN TIMOTHY TRAINOR Tax Id. 899922, Individually and in his Official Capacity, and P.O.'s "JOHN DOE" #1-50, Individually and in their Official Capacity (the name John Doe being fictitious, as the true names are presently unknown) (collectively referred to as "City Defendants"), FDNY LIEUTENANT ELISE HANLON, individually and in her official capacity as a lieutenant with the New York City Fire Department, JAMAICA HOSPITAL MEDICAL CENTER, DR. ISAK ISAKOV, Individually and in his Official Capacity, DR. LILIAN ALDANA-BERNIER, Individually and in his Official Capacity and JAMAICA HOSPITAL MEDICAL CENTER EMPLOYEE'S "JOHN DOE" # 1-50, Individually and in their Official Capacity (the name John Doe being fictitious, as the true names are presently unknown),

Defendants.

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RYAN G. SHAFFER, declares pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am a Senior Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, attorney for defendants the City of New York, Deputy Chief Michael Marino, Assistant Chief Gerald Nelson, Captain Theodore Lauterborn, Lieutenant William Gough, Sergeant Frederick Sawyer, Sergeant Kurt Duncan, Lieutenant Christopher Broschart, Lieutenant Timothy Caughey, Lieutenant Shantel James, Sergeant Richard Wall, Sergeant Robert W. O'Hare, Sergeant Sondra Wilson, Lieutenant Thomas Hanley, Captain Timothy Trainor, and FDNY Lieutenant Elise Hanlon (collectively "City Defendants"). As such, I am familiar with the facts stated below and submit this supplemental declaration to place on the record the additional relevant documents in support of said City Defendants' motion for partial summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure¹.

2. Attached as Exhibit "A" is a true and accurate copy of plaintiff Adrian Schoolcraft's Third Amended Complaint in the instant action, dated January 22, 2015. (Docket Entry Nos. 341 & 342.) Plaintiff filed the instant action originally on August 10, 2010. (Docket Entry No. 1.) Plaintiff previously filed his First Amended Complaint on September 13, 2010. (Docket Entry No. 21.) Plaintiff previously filed his Second Amended Complaint on October 1, 2012. (Docket Entry No. 2013) Plaintiff's Third Amended Complaint alleges claims against City Defendants for deprivation of rights under 42 U.S.C. § 1983; violation of his First Amendment rights under 42 U.S.C. § 1983; false arrest under 42 U.S.C. § 1983; malicious abuse of process under 42 U.S.C. § 1983; excessive force under 42 U.S.C. § 1983; failure to intercede under 42

¹ Defendants submit these additional and/or revised exhibits in response to the Court's decision granting plaintiff leave to file a third amended complaint.

U.S.C. § 1983; unlawful search and seizure under 42 U.S.C. § 1983; involuntary confinement under 42 U.S.C. § 1983; conspiracy to violate plaintiff's rights under 42 U.S.C. § 1983; municipal liability under 42 U.S.C. § 1983; assault under New York State Law; battery under New York State Law; false arrest under New York State Law; false imprisonment under New York State Law; intentional infliction of emotional distress under New York State Law; and negligent hiring, supervision, and retention under New York State Law.

3. Attached as Exhibit "B" is a true and accurate copy of relevant portions of plaintiff Adrian Schoolcraft's first deposition, taken on October 11, 2012 in which he testifies to various facts and circumstances that he believes support the allegations in his complaint, and during which he was unable to point to any evidence supporting certain claims.

Dated: New York, New York
January 30, 2015

ZACHARY W. CARTER
Corporation Counsel of the
City of New York
Attorney for City Defendants
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By: _____/s_____
Ryan G. Shaffer
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Attorneys for Lillian Aldana-Bernier

Walter Kretz (By ECF)
SCOPPETTA SEIFF KRETZ & ABERCROMBIE
Attorney for Defendant Mauriello

Docket No 10-CV-6005 (RWS)
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK
ADRIAN SCHOOLCRAFT, Plaintiff, -against- THE CITY OF NEW YORK, et al., Defendants.
SUPPLEMENTAL DECLARATION OF RYAN G. SHAFFER
ZACHARY W. CARTER <i>Corporation Counsel of the City of New York</i> <i>Attorney for City Defendants</i> <i>100 Church Street, Room 3-200</i> <i>New York, New York 10007</i> <i>Of Counsel: Ryan G. Shaffer</i> <i>Tel: (212) 356-2372</i>
<i>Due and timely service is hereby admitted.</i> <i>New York, N.Y....., 2015</i> <i>..... Esq.</i> <i>Attorney for.....</i>